

FY07 Policy Statement for Fines and Fees: Commonwealth's Attorney

Policy and Procedure

Code of Virginia	<p>Pursuant to § 19.2-349, <u>Code of Virginia</u>, a Commonwealth's Attorney is required to:</p> <ul style="list-style-type: none">• Cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution that are delinquent as determined by the court;• Follow collection guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of Taxation and the Compensation Board;• Contract with an outside collection agent, if the Commonwealth's Attorney does not undertake collection services in-house;• Pay fees to an outside collection agent on a contingency fee basis out the proceeds of the amounts collected; and• Report annual fines and fees assessments and collections to the Compensation Board for the annual Fines and Fees Report.
Policy	<p>Prompt payment of fines and fees are ordered by the Court as a form of punishment for an offense committed, as well as a legitimate source of revenue for the locality and the Commonwealth. A Commonwealth's Attorney must take all measures under law to ensure that all fines, costs, penalties, forfeitures, and restitution as ordered by the Court are paid in full.</p>
Procedure	<p>An Attorney for the Commonwealth must choose one of the following collection methods by completing and signing a FY07 Election for Collection Method of Fines and Fees: Commonwealth's Attorney and mailing copies of that form to the designees indicated on the form. Collection methods include:</p> <ul style="list-style-type: none">• Department of Taxation;• In-House Program;• Private Collection Agent;• Private Attorney; or• City or County Treasurer.
Effective Date	<p>This policy was effective July 1, 2003, unless otherwise noted, and shall remain in effect unless further amended by Commonwealth's Attorneys. Any amendments to this policy shall be communicated to and are subject to review by the Compensation Board.</p>

Frank Drew, Chairman
Compensation Board

Date

Certification

I am in compliance with the requirements of § 19.2-349, Code of Virginia, and the Supreme Court Guidelines and Model Form Contract for the Collection of Unpaid Fines, Costs, Forfeitures, and Penalties by Private Contractors, dated January 14, 1999.

Printed Name of Commonwealth's Attorney

Locality

Signature of Commonwealth's Attorney

Date

Fax to Lisa Carson at (804) 371-0235 not later than **Monday, August 14, 2006**. Mail the original to the attention of Lisa Carson, Compensation Board, 102 Governor Street, Suite 120, Richmond, VA 23219.